

Introduction

In response to the Office Action dated January 21, 2009, the Advisory Action dated April 7, 2009, and in conjunction with the filing of a Request for Continued Examination, claims 1, 9, 10, 12, 38, 39, 49, 50, and 53 are amended. Claim 11 is cancelled, and Claim 57 has been added. Claims 1-10, 12, 13, 38, 39 and 49-57 remain in the application. Entry of this response, and re-consideration of the application, as amended, is respectfully requested.

Examiner's Interview Summary

Applicants would like to thank Examiners Jason Lin and Brian Pendleton for the courtesy extended in telephonic interview conducted on May 1, 2009. During the interview, Examiners Lin and Pendleton, and Eric A. Gifford, attorney for the applicants discussed the cited references in view of the claim language of the present application.

Remarks

Claims 1, 38 and 49 as amended recite the novel aspects of the invention pertaining to broadcasting multiple channels and the user rating information to a plurality of users in a broadcast stream over a satellite broadcast system (See Fig. 1 para [0022]). At each user site, a receiver retrieves its user rating information, reviews the entertainment guide and is tuned to direct a preferred entertainment file from the broadcast stream to a user output device for streaming playback. In claims 1 and 49, a user input device provides real-time feedback on the streaming entertainment files that is returned to the server to update the user rating information that is rebroadcast to the user sites in subsequent broadcast streams. In claims 53 and 57 the entertainment guide is transmitted in the broadcast stream and downloaded at each user site by the receiver. The receiver is tuned based on the user rating information and entertainment guide.

Claims 1-13, 38-39 and 49-56 were rejected under 35 USC 103(a) as being unpatentable over Halliday (US2008/0140852) in view of Stumphauzer, II (US 2003/0014767) and further in view of Rosenberg et al (7,321,923).

As described in paragraphs [0048 – 0055] with reference to Fig. 1, each User establishes communication with a Server through the User's general purpose computer or other device. The User inputs into the computer one or more designated Works, which are then communicated to the Server. The Server determines and then communicates back to each User independently the when and where (i.e. URL address) the designated Work is webcast [0055]. The User then establishes communication with the designated URL at the designated time. In an alternate embodiment, the Server establishes communication with the URL and downloads the Work. Each User may then independently access that User's designated Work directly from the Server.

In the Advisory Action the Examiner acknowledges that Halliday's server interacts with each user independently but states that Applicant's "streaming transmission" for "unique user rating" information cannot rule out streaming the information independently to each user. Applicant would first like to point out that Halliday's server does not transmit the user rating information (user designated Works) back to the User. Each User independently transmits that information to the Server. The Server processes the user designated Works for multiple users knowing what Works are available (current entertainment guide) and either returns the URL for the designated Work to each User independently or downloads the Work directly. The communication from the Server to each User is tailored based on that User's designated Works. The processing of the user designated Works and the program guide is all done at the Server, not by the individual User receivers.

However, to provide further clarification Applicant has amended the claims to make clear that the user rating information and entertainment files are transmitted to the plurality of user entertainment systems or sites in a broadcast stream, not independently between the Server and each individual user. Applicant's invention is directed to a satellite broadcast system in which the entertainment files and user rating information are "broadcast" to multiple users. The receiver at each user site determines, based on the entertainment guide and its user rating information, which channel to select.

Claims 53 and 57 further enforce the broadcast nature of Applicant's invention. The current entertainment guide is transmitted in the broadcast stream and downloaded by each of the receivers. The receivers (not the server) determine which channel to select based on the entertainment guide and that user's user rating information.

Applicant would also take this opportunity to point out that Halliday's system is for "time-shifted" receipt and recodation of audio and video [0014], not for "real-time playback of the streaming transmission" as recited in Applicant's claims. This is relevant for two reasons. First, the user cannot provide real time feedback of a streaming entertainment file if playback of that file is time-shifted. Second, the motivation to "rate" designated Works for "time-shifted" receipt and recodation does not exist. In Applicant's invention a single file must be selected from multiple files for real-time playback so 'ratings' are useful to select a preferred file. In Halliday's system the user may designate multiple Works and record them at the same or different times for "time-shifted" playback at the User's pleasure. Neither Halliday nor Stumphauzer provides motivation that ratings are either necessary or useful in a "time-shifting" system. A User's "level of want" is expressed when and if the User selects the recorded Work for "time-shifted" playback.

The Applicant respectfully requests that the Examiner withdraw the rejection and issue a notice of allowance on all pending claims.

Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

The Director is authorized to charge Applicant's Deposit Account No. 50-0383 any additional fees that may be due with this response. The required RCE and extension of time fees accompany this response.

Respectfully submitted,


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